



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB0392

Introduced 1/25/2005, by Rep. Larry McKeon

SYNOPSIS AS INTRODUCED:

115 ILCS 5/11

from Ch. 48, par. 1711

30 ILCS 805/8.29 new

Amends the Illinois Educational Labor Relations Act with regard to non-member fair share payments. Provides that only the exclusive representative may negotiate provisions in a collective bargaining agreement providing for the payroll deduction of labor organization dues, fair share fee payments, initiation fees, or assessments. Provides that if a collective bargaining agreement is terminated or continues in effect beyond its scheduled expiration date pending the negotiation of a successor agreement or the resolution of an impasse under the Act, then the employer shall continue to honor and abide by any dues deduction or fair share clause contained in the agreement until a new agreement is reached. Sets forth applicability requirements for successor exclusive representatives. Amends the State Mandates Act to require implementation without reimbursement.

LRB094 05946 RAS 36001 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Educational Labor Relations Act is
5 amended by changing Section 11 as follows:

6 (115 ILCS 5/11) (from Ch. 48, par. 1711)

7 Sec. 11. Non-member fair share payments. When a collective
8 bargaining agreement is entered into with an exclusive
9 representative, it may include a provision requiring employees
10 covered by the agreement who are not members of the
11 organization to pay to the organization a fair share fee for
12 services rendered. The exclusive representative shall certify
13 to the employer an amount not to exceed the dues uniformly
14 required of members which shall constitute each non member
15 employee's fair share fee. The fair share fee payment shall be
16 deducted by the employer from the earnings of the non member
17 employees and paid to the exclusive representative.

18 The amount certified by the exclusive representative shall
19 not include any fees for contributions related to the election
20 or support of any candidate for political office. Nothing in
21 this Section shall preclude the non member employee from making
22 voluntary political contributions in conjunction with his or
23 her fair share payment.

24 Agreements containing a fair share agreement must
25 safeguard the right of non-association of employees based upon
26 bonafide religious tenets or teaching of a church or religious
27 body of which such employees are members. Such employees may be
28 required to pay an amount equal to their proportionate share,
29 determined under a proportionate share agreement, to a
30 non-religious charitable organization mutually agreed upon by
31 the employees affected and the exclusive representative to
32 which such employees would otherwise pay such fee. If the

1 affected employees and the exclusive representative are unable
2 to reach an agreement on the matter, the Illinois Educational
3 Labor Relations Board may establish an approved list of
4 charitable organizations to which such payments may be made.

5 The Board shall by rule require that in cases where an
6 employee files an objection to the amount of the fair share
7 fee, the employer shall continue to deduct the employee's fair
8 share fee from the employee's pay, but shall transmit the fee,
9 or some portion thereof, to the Board for deposit in an escrow
10 account maintained by the Board; provided, however, that if the
11 exclusive representative maintains an escrow account for the
12 purpose of holding fair share fees to which an employee has
13 objected, the employer shall transmit the entire fair share fee
14 to the exclusive representative, and the exclusive
15 representative shall hold in escrow that portion of the fee
16 that the employer would otherwise have been required to
17 transmit to the Board for escrow, provided that the escrow
18 account maintained by the exclusive representative complies
19 with rules to be promulgated by the Board within 30 days of the
20 effective date of this amendatory Act of 1989 or that the
21 collective bargaining agreement requiring the payment of the
22 fair share fee contains an indemnification provision for the
23 purpose of indemnifying the employer with respect to the
24 employer's transmission of fair share fees to the exclusive
25 representative.

26 Only the exclusive representative may negotiate provisions
27 in a collective bargaining agreement providing for the payroll
28 deduction of labor organization dues, fair share fee payments,
29 initiation fees, or assessments.

30 If a collective bargaining agreement is terminated or
31 continues in effect beyond its scheduled expiration date
32 pending the negotiation of a successor agreement or the
33 resolution of an impasse under this Act, then the employer
34 shall continue to honor and abide by any dues deduction or fair
35 share clause contained in the agreement until a new agreement
36 is reached. For the benefit of any successor exclusive

1 representative certified under this Act, this paragraph shall
2 be applicable, provided that the successor exclusive
3 representative (i) certifies to the employer the amount
4 constituting each non-member's proportionate share under this
5 Section or (ii) presents the employer with employee written
6 authorizations for the deduction of dues, assessments, or fees
7 under this Section.

8 (Source: P.A. 86-412.)

9 Section 90. The State Mandates Act is amended by adding
10 Section 8.29 as follows:

11 (30 ILCS 805/8.29 new)

12 Sec. 8.29. Exempt mandate. Notwithstanding Sections 6 and 8
13 of this Act, no reimbursement by the State is required for the
14 implementation of any mandate created by this amendatory Act of
15 the 94th General Assembly.